

**South Carolina Real Estate Commission
Meeting Minutes**

Wednesday February 15, 2023 at 10:00 am
110 Centerview Dr. Kingstree Building, Room 105
Columbia, South Carolina

Public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, Commission website, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Commission Members Present:

William “Andy” Lee, Chair – 3rd Congressional District
John Rinehart, Vice Chair – 5th Congressional District
Candace Pratt – 1st Congressional District
Allen Wilkerson – 2nd Congressional District
David Burnett – 4th Congressional District
Janelle Mitchell – 6th Congressional District
Gary A. Pickren, Esq. – At-Large Member
Jonathan Stackhouse – Public Member

SCLLR STAFF PRESENT:

Kyle Tennis, Esq., Office of Advice Counsel
Meredith Buttler, Administrator
Ashlynn Kirk, Administrative Coordinator
Micah Hurtt, Administrative Coordinator
Rowland Alston, Esq., Office of Disciplinary Counsel
Chuck Waters, Office of Investigations and Enforcement
James Kemfort, Office of Investigations and Enforcement
Michael “Doc” Smith, Office of Investigations and Enforcement
Wattie Wharton, Office of Investigations and Enforcement

PRESENT:

Cortney Glover, Court Reporter	Cierra Durity
Brittney Burgess	Amanda Wilson
Jared Mole	Merrill McGregor
Chris DeScherer, SELC	Raymond Johnson
Jarvis Lee-Huiett	Jon Rawls
Charles Mace	Robin Miller
Arthur Hall	Yueseyuen Cruel
Jacob Taylor Bell, Esq.	Robert Johnson
March Jasper	Austin Smallwood, SCR
Derek Jasper	

CALLED TO ORDER: Mr. Lee, Chair, called the meeting to order at 10:04 am.

INVOCATION

Mr. Rinehart gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all present.

INTRODUCTION OF COMMISSION MEMBERS AND STAFF

Chairman Lee welcomed Allen Wilkerson as the newest member of the Commission. Commission members and staff introduced themselves.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve the absences of Gary Pickren and W. Brown Bethune. Commissioner Pickren later joined the meeting at 12:45pm during Mr. Cruel's application hearing. Moved by Ms. Pratt and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

APPROVAL OF AGENDA

Motion: To approve the agenda. Moved by Mr. Rinehart and seconded by Ms. Mitchell, the motion carried by unanimous vote.

APPROVAL OF MEETING MINUTES

Motion: To approve the January 18, 2023 Commission meeting minutes. Moved by Mr. Stackhouse and seconded by Ms. Mitchell, the motion carried by unanimous vote.

Motion: To approve the January 19, 2023 Commission meeting minutes. Moved by Mr. Burnett and seconded by Mr. Rinehart, the motion carried by unanimous vote.

Motion: To approve the February 9, 2023 Education Taskforce meeting minutes. Moved by Mr. Burnett and seconded by Ms. Mitchell, the motion carried by unanimous vote.

Motion: To approve the February 9, 2023 Finance Taskforce meeting minutes. Moved by Mr. Burnett and seconded by Ms. Mitchell, the motion carried by unanimous vote.

Motion: To approve the February 1, 2023 Residential Property Condition Disclosure Statement Discussion Group minutes. Moved by Mr. Lee and seconded by Mr. Rinehart, the motion carried by unanimous vote.

CHAIRMAN'S REMARKS

None

STAFF REPORTS

b. Investigative Review Committee (IRC) Report

Mr. Kemfort reported the IRC met on February 7, 2023, via teleconference. The IRC recommends the following: 15 cases for dismissals, 8 cases for Letters of Caution, 1 case for dismissal with a cease and desist, and 4 formal complaints.

Mr. Burnett raised concern for licensees continuing to practice following lapse of license and the only recourse is issuance of an order to cease and desist without further disciplinary action being able to be taken by the Commission when a licensee reapplies for licensure and that sometimes it appears that the issue becomes moot because a licensee reinstates their license before action is taken due to length of the cease and desist process. Mr. Tennis explained that the Commission is limited to issuing cease and desist orders for unlicensed practice, which can then be elevated for further injunctive relief if violated. Mr. Tennis proposed that, if the Commission does see this as an issue, there are ways to expedite the cease and desist process. Mr. Kemfort stated the Office of Investigations will begin implementation of an expedited Cease & Desist issuance for cases where licensees are continuing to practice with a lapsed license.

Motion: To accept IRC recommendations as presented.

Moved by Mr. Stackhouse and seconded by Ms. Mitchell, the motion carried by unanimous vote.

c. Office of Disciplinary Counsel (ODC) Report

Mr. Alston reported as of February 1, 2023, there are 69 open cases of which 29 are pending hearings and agreements, 0 pending closure, and 8 have been closed since January 1, 2023. Mr. Alston stated that there are already twice as many cases this fiscal year compared to last fiscal year with a total of 31 cases. He is requesting the Commission to consider adding additional hearing dates due to the large case load. Mr. Lee stated, if the agenda permits, hearings can be added on to administrative commission meeting days.

a. Office of Investigations and Enforcement (OIE) Report

Mr. Kemfort reported that from January 1, 2023, to February 15, 2023, 103 complaints have been filed. OIE currently has 18 active cases and 0 cases have been closed during that time period.

d. Administrator Report

Mrs. Buttler reported there are currently 7,374 active Broker-in-Charge licensees; 4,868 active Broker licensees; 32,856 active Salesperson licensees; 1,410 active Property Manager-in-Charge licensees; and 1,722 Property Manager Licensees. The Commission was also presented the totals for Timeshare Salesperson Registrants, Real Estate or Property Manager Office registrations, and Initial Application Volume from 2015 to present.

The Commission's current account balance as of December 31, 2022, is \$7,626,642.95. Also included in the meeting materials is the cash balance report for the Education and Research fund as well as the Timeshare fund.

Mrs. Buttler reminded the Commissioners that the Statement of Economic Interest is due to the State Ethics Commission by midnight on March 31, 2023. Ms. Kirk has previously sent out the instructions for filing and travel reimbursement totals for 2022. If any commissioners need these resent, they are to reach out to Ms. Kirk and she will get that information to them.

Mrs. Buttler stated that renewals are set to open at the beginning of April. The office is working to build out the document submission capabilities to assist with streamlining the renewal process as well as designing a renewal landing page that will provide clearer direction and options to the licensees. Email communications will be sent out regarding the change to the lapsed license process as well as the additional renewal resource page.

NEW BUSINESS

- a. Travel Approval- 2023 FARB Innovation in Regulation Conference, July 19-21, 2023 in Alexandria, VA

Mrs. Buttler requested travel reimbursement approval for herself and two Commissioners to attend the FARB Innovation in Regulation Conference.

Motion: To approve the coverage of travel expenses needed for Mrs. Buttler and two Commissioners.

Moved by Mr. Burnett and seconded by Ms. Pratt, the motion carried by unanimous vote

OLD BUSINESS

- a. Discussion on Property Disclosure Statement- Andy Lee
Chairman Lee presented the proposed changes to the Property Disclosure Statement form that were discussed at the February 1, 2023 group discussion. The proposed amendments to the form include the following:
 - Clarity on the "No representation" explanation on page 1.
 - Questions 20 and 23 regarding flooding problems to property and structures on the property during ownership as well as identification of flood zones and flood risk.
 - More detail to question 22 regarding erosion control and erosion control structures.
 - Questions 24 and 25 regarding public or private insurance and insurance claims related to flooding.
 - An additional question regarding repairs made as a result of flooding that were not filed through insurance.
 - An additional question regarding flood disaster assistance.
 - An additional question regarding beach nourishment.
 - Clarity for questions 5 and 7 regarding Section II: roof system issues compared to structural repairs and/or modifications
 - Clarity to section IV regarding other pest infestations.

- Inclusion of “first right of refusal” to question 18.
- Addition to Section VII to include the disclosure of vacation rental periods that reasonably may begin no later than ninety days after the date the purchaser’s interest is recorded in the deeds office per the Vacation Rental Act as well as including a reference to the Vacation Rental Act’s requirements in the purchaser acknowledgement section above the page 6 of 6’s signature block.

Mr. Rinehart raised concerns of question #22 regarding erosion structures, with his concerns including that an absentee owner may not know if erosion control structures were added to the property and lead to civil litigation. Mr. Tennis stated that the question already existed on the current disclosure statement, and the additional examples and request for more information was intended to actually prevent litigation. Mr. Burnett and Ms. Pratt raised concerns regarding the “*subject to a beach nourishment project*” language in proposed question 28. Mr. DeScherer also spoke to the flooding and beach nourishment issues.

After discussion the following amendments were made to the proposed Property Disclosure Statement form:

- Strike phrase in question 28 “or been subject to”.
- Addition of ‘other/unknown’ to Section I (C) regarding water pipes
- Addition of a separate checkbox for Vacation/short term rental before signature section on page 6.
- Modification to last paragraph on page 1 to mirror S.C. Code Ann. § 27-50-50.
- Strike repeated information that was added to Section X above the signature

block.

Motion: To approve the property disclosure statement form with changes.

Moved by Mr. Stackhouse and seconded by Mr. Burnett, the motion carried by unanimous vote.

Motion: To approve the July 1, 2023 effective date for the updated Residential Property Disclosure Statement.

Moved by Mr. Stackhouse and seconded by Mr. Burnett, the motion carried by unanimous vote.

APPLICATION HEARINGS

a. Arthur Hall

Mr. Hall appeared before the Commission for a salesperson application hearing. He was represented by counsel, Mr. Jacob T. Bell, Esq., and Mr. Hall was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into closed session.

Moved by Mr. Rinehart and seconded by Ms. Mitchell, the motion carried by unanimous vote.

Motion: To approve Mr. Hall to sit for the salesperson exam.

Moved by Mr. Rinehart and seconded by Ms. Pratt, the motion carried by unanimous vote.

Motion: To return to open session.

Moved by Ms. Pratt and seconded by Ms. Mitchell, the motion carried by unanimous vote.

b. Robert Johnson

Mr. Johnson appeared before the Commission for a Broker application hearing. He was represented by counsel, Mr. Jacob T. Bell, Esq., and Mr. Johnson was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into closed session.

Moved by Mr. Rinehart and seconded by Ms. Pratt, the motion carried by unanimous vote.

Motion: To enter into executive session for legal advice where not votes will be taken.

Moved by Mr. Burnett and seconded by Ms. Mitchell, the motion carried by unanimous vote.

Motion: To exit executive session and return to closed session.

Moved by Mr. Rinehart and seconded by Ms. Pratt, the motion carried by unanimous vote.

Mr. Johnson withdrew the Broker application with the right to reapply for the salesperson application.

Motion: To return to open session.

Moved by Mr. Stackhouse and seconded by Ms. Pratt, the motion carried by unanimous vote.

c. Amanda L. Wilson

Ms. Wilson appeared before the Commission for a salesperson application hearing. She waived her right to counsel and was sworn in by the court reporter. Application hearing are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into closed session.

Moved by Mr. Rinehart and seconded by Ms. Mitchell, the motion carried by unanimous vote.

Motion: To enter into executive session for legal advice where not votes will be taken.
Moved by Mr. Stackhouse and seconded by Ms. Pratt, the motion carried by unanimous vote.

Motion: To exit executive session and return to closed session.
Moved by Ms. Pratt and seconded by Mr. Wilkerson, the motion carried by unanimous vote.

Motion: To deny Ms. Wilson to sit for the Salesperson exam due to the recentness of convictions, the nature of the convictions, and having no documentation of probation being completed.
Moved by Ms. Mitchell and seconded by Mr. Rinehart, the motion carried by unanimous vote.

Motion: To return to public session.
Moved by Mr. Rinehart and seconded by Ms. Pratt, the motion carried by unanimous vote.

d. Yueseyuan Cruel

Mr. Cruel appeared before the Commission for a salesperson application hearing. He waived his right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice where no votes will be taken.
Moved by Mr. Stackhouse and seconded by Ms. Pratt, the motion carried by unanimous vote.

Motion: To return to public session.
Moved by Mr. Rinehart and seconded by Ms. Pratt, the motion carried by unanimous vote.

Mr. Pickren joined at 12:45pm.

Motion: To deny Mr. Cruel to sit for the salesperson exam due to the extended pattern of crime over an extended period in which the convictions escalated in severity and the nature of the crimes being related to the handling of others' money.
Moved by Ms. Pratt and seconded by Ms. Mitchell, the motion carried by unanimous vote.

Before the next application hearing began, Mr. Stackhouse notified the Commission that the release date for the updated property disclosure form would be a Saturday.

Motion: To change the updated Residential Property Disclosure Statement effective date to June 1, 2023.

Moved by Mr. Stackhouse and seconded by Ms. Pratt, the motion carried by unanimous vote.

- e. Marche' Jasper
Ms. Jasper appeared before the Commission for a Property Manager application hearing. She waived her right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Ms. Jasper to sit for the property manager exam.
Moved by Mr. Pickren and seconded by Ms. Pratt, the motion carried by unanimous vote.

- f. Jared Mole
Mr. Mole appeared before the Commission for a salesperson application hearing. He waived his right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice where no votes will be taken.
Moved by Ms. Mitchell and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

Motion: To return to public session.
Moved by Mr. Pickren and seconded by Mr. Rinehart, the motion carried by unanimous vote.

Motion: To deny Mr. Mole to sit for the salesperson exam due to the severity, nature, and recency of the conviction.
Moved by Mr. Pickren and seconded by Mr. Rinehart, the motion carried by unanimous vote.

- g. Robin Miller
Ms. Miller appeared before the Commission for a salesperson application hearing. She waived her right to counsel and sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Ms. Miller to sit for the salesperson exam.
Moved by Mr. Pickren and seconded by Ms. Pratt, the motion carried by unanimous vote.

- h. Brittney Burgess
Mrs. Burgess appeared before the Commission for a salesperson application hearing. She waived her right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice where no votes will be taken.
Moved by Mr. Burnett and seconded by Mr. Pickren, the motion carried by unanimous vote.

Motion: To return to public session.
Moved by Mr. Burnett and seconded by Ms. Pratt, the motion carried by unanimous vote.

Motion: To approve Mrs. Burgess to sit for the salesperson exam.
Moved by Mr. Burnett and seconded by Ms. Pratt, the motion carried by unanimous vote.

i. Raymond Johnson

Mr. Johnson appeared before the Commission for a salesperson application hearing. He waived his right to counsel and sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Mr. Johnson to sit for the salesperson exam.
Moved by Mr. Pickren and seconded by Ms. Pratt, the motion carried by a unanimous vote.

j. Afra Barnett

Ms. Barnett did not appear before the Commission for a salesperson application hearing despite being properly noticed. This hearing will be placed on the agenda for April 19, 2023.

k. Cierra Durity

Ms. Durity appeared before the Commission for a salesperson application hearing. She was not represented by counsel was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice where no votes will be taken.
Moved by Ms. Pratt and seconded by Mr. Pickren, the motion carried by unanimous vote.

Motion: To return to public session.
Moved by Mr. Pickren and seconded by Ms. Pratt, the motion carried by unanimous vote.

Motion: To approve Ms. Durity to sit for the salesperson exam.
Moved by Mr. Pickren and seconded by Ms. Pratt, the motion carried by a vote of seven in favor to one opposed.

l. Jarvis Lee-Huiett

Mr. Lee-Huiett appeared before the Commission for a salesperson application hearing. He was not represented by counsel was sworn in by the court reporter. Application

hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into closed session.

Moved by Ms. Pratt and seconded by Mr. Rinehart, the motion carried by unanimous vote.

Motion: To enter into executive session for legal advice where not votes will be taken.

Moved by Mr. Pickren and seconded by Ms. Pratt, the motion carried by unanimous vote.

Motion: To exit executive session and return to closed session.

Moved by Mr. Stackhouse and seconded by Mr. Pickren, the motion carried by unanimous vote.

Motion: To deny Mr. Lee-Huiett to sit for the Salesperson exam due to the multiple, recent convictions as well as the severity of said convictions.

Moved by Ms. Rinehart and seconded by Ms. Mitchell, the motion carried by vote of seven in favor to one opposed.

Motion: To return to Public Session.

Moved by Mr. Pickren and seconded by Mr. Burnett, the motion carried by unanimous vote.

m. Jon Rawls

Mr. Rawls appeared before the Commission for a salesperson application hearing. He was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Mr. Rawls to sit for salesperson exam.

Moved by Mr. Rinehart and seconded by Mr. Pickren, the motion carried by unanimous vote.

n. Will Villate

Mr. Villate did not appear before the Commission for a salesperson application hearing despite being properly noticed. This hearing will be placed on the agenda for April 19, 2023.

EXECUTIVE SESSION

Executive session was not needed.

PUBLIC COMMENTS

Mr. Smallwood, on behalf of SCR, thanked the Commissioners for their efforts with the updated Residential Property Disclosure Statement and will assist with dissemination of the information. He also thanked Commissioners Lee, Mitchell, and Wilkerson for serving on the Commission.

panel at the capital conference. There will be more requests from SCR for Commissioners to speak at upcoming conferences. Mr. Smallwood notified the Commissioners that SCR had a joint taskforce with the Commission, including Commissioners Lee and Burnett, that is proposing recommendations to BIC Supervision. Mrs. Buttler will put this topic on the March 16th Agenda.

Mr. Pickren encouraged Commissioners to attend the March 8th speaking engagement in Sumter as he is unable to attend. Mr. Tennis reminded Commissioners to email Mrs. Buttler for any agenda items for the March 16, 2023 meeting. Ms. Pratt asked if it was possible she could use WebEx for the next meeting as she cannot be in Columbia due to an prior engagment. Mrs. Butler stated that staff would need to know as soon as possible so as to make the needed arrangements. Ms. Mitchell requested an addition to the March 16, 2023 agenda for discussion regarding licensees selling out of area.

ADJOURNMENT

Motion: To adjourn.

Moved by Mr. Rinehart and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

The meeting adjourned at 3:37 pm.